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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,132

03/15/2004

Mamoru Ozaki

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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

4137

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/802,132	Applicant(s) OZAKI ET AL.	
	Examiner BRANDI P. PARKER	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1-17 are pending in this Office Action.
2. This Office Action is given Paper No. 20080422 for reference purposes only.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 discloses "transmitting said data to a customs via a network". It is unclear as to what is "a custom", to where the data is transmitted, thus, the scope of the claim indefinite. Furthermore, claim 1 recites receiving a result of examination by said customs on "said electronic document" in the third limitation. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 2-7 are rejected for being dependent upon rejected claim 1.

7. Claim 8 recites a "means for transmitting said electronic document data to a customs via a network when the consistency is verified by said checking means". By transmitting the electronic document data only when the consistency is verified, claim 8 is indefinite in the sense that things which may be done are not required to be done;

such members cannot be regarded as structural limitations and, therefore, not as positive limitations in claim directed to structure; they cannot be relied on to distinguish from prior art. *In re Collier*, 158 USPQ 266, 268 (CCPA 1968).

8. Claims 9-11 are rejected for being dependent upon rejected claim 8.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1-2, 4-13 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al (US 2003/0036982).

11. With respect to **claims 1, 8-10 and 12**, Tang teaches

- a. a device used for entering information required for customs procedures including at least information related to cargoes to be exported (paragraph 0026);
- b. a device used for creating electronic document data required for customs procedures based on said information required for customs procedures and transmitting said data to a customs via a network (paragraph 0027);
- c. a device which receives a result of examination by said customs on said electronic document transmitted (paragraph 0027); and

d. a device which transmits said examination result received to an information processing device of a party concerned which entered at least said information required for customs procedures (paragraph 0028).

12. Regarding **claims 2, 11 and 13**, Tang teaches a logistics control information system according to claim 1, wherein said result of examination by said customs on said electronic document transmitted is a result that is obtained after consistency with different data on said cargoes from said electronic document transmitted is checked (paragraph 0015).

13. With respect to **claim 4**, Tang teaches a logistics control information system according to claim 1, wherein said information on cargoes to be exported includes information to specify said cargoes, loading port information of said cargoes, and destination information of said cargoes (paragraph 0013) .

14. Regarding **claims 5 and 15**, Tang teaches a logistics control information system according to claim 1, wherein part of information on said cargoes to be exported is entered as at least two different types of data among packing list data, shipping instruction data, invoice data and bill of lading data as electronic document data (paragraph 0026).

15. As to **claims 6 and 16**, Tang teaches a logistics control information system according to claim 5, wherein, if data entry of part of said information on cargoes to be exported is divided and executed a plurality of times to deal with said electronic document data, parts of said information that are entered said plurality of times are cross-referenced (paragraph 0033).

16. With respect to **claims 7 and 17**, Tang teaches a logistics control information system according to claim 5, wherein said part of said information on cargoes to be exported is entered and stored as said at least two different types of data (paragraph 0028).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (US 2003/0036982).

17. As to **claims 3 and 14**, Tang teaches a logistics control information system according to claim 1. The only difference between Tang and the claimed subject matter is that Tang does not explicitly disclose who owns the information processing device or whether the owner is an exporter, a custom-house broker, a nonvessel operating common carrier (NVOCC) or a carrier. However, the system in Tang is applied to the realm of inspecting and exporting cargo. Thus, a predictable result of Tang would be for

the owner of the claimed system to be an exporter, custom-house broker, a nonvessel operating common carrier (NVOCC) or a carrier.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kluss (Us 6463419), Dutta et al (2003/0023522), Napier et al (US 2003/0167240), Mizushima et al (US 7359942) (column/line 14/41-50: teaches wherein a Electronic Data Interchange system transmits and receives electronic documents and data).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt II can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 4137

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 4137

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 4137